

**THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF PENNSYLVANIA**

**READING BLUE MOUNTAIN
& N. R.R. CO.**

Plaintiff

v.

UGI UTILITIES, INC.,

Defendant

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**3:11-CV-2182
(JUDGE MARIANI)**

ORDER

The background of this Order is as follows: on Wednesday, January 18, 2012, the Court conducted a telephone conference with counsel for the parties in this action at the request of Plaintiff's counsel who, on January 17, 2012, had reported to the Court that Defendant's counsel had informed him that Defendant, UGI, would "re-commence performing the boring work, to install its gas line" (Doc. 22) in Defendant's claimed easement through Plaintiff's land.

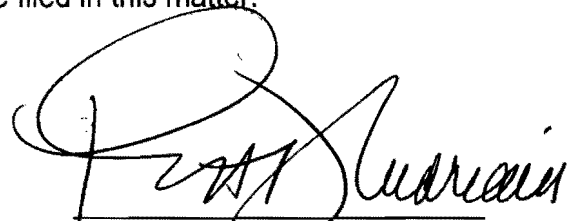
In the aforesaid telephone conference, counsel for both parties presented arguments in support of their respective positions, and in particular, with respect to whether preliminary injunctive relief should be granted to Plaintiff, enjoining Defendant UGI from beginning installation of its gas line until the Court can make a final ruling on the merits of Plaintiff's claims.

At the conclusion of the arguments, Plaintiff's counsel, in response to inquiry from the Court as to whether there was a need to conduct an evidentiary hearing on Plaintiff's Motion for

Preliminary Injunction (Doc. 2), to be held in Scranton this day, said that Plaintiff agreed to have its motion ruled upon based on the briefs, supporting documents, and affidavit filed with Plaintiff's motion. Defendant's counsel likewise agreed to proceed without an evidentiary hearing but requested, and was granted, the opportunity to submit an affidavit in support of its opposition to the grant of injunctive relief for Plaintiff. Further, counsel for Defendant, after consultation with his client, said that "UGI agrees to stand down until [the] judge rules." (Telephone message from Defendant's counsel to Courtroom Deputy Joseph Gaughan).

Accordingly, this **18th DAY OF JANUARY, 2012**, the Court enters the following Order:

1. Defendant, UGI, is restrained from commencing or conducting any work in any way related to the installation of the gas line, which it maintains lies within its easement, on the lands of Plaintiff until this Court issues a ruling on Plaintiff's Motion for Preliminary Injunction.
2. It is the intention of the Court to issue a ruling on Plaintiff's Motion for Preliminary Injunction within **fourteen (14) days** from the receipt of the affidavit which Defendant's counsel represented would be filed in this matter.



Robert D. Mariani
United States District Judge